

STATE OF MAINE  
YORK, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-08-14

ATTORNEY GENERAL,  
STATE OF MAINE,

Plaintiff

v.

RICE-RITE FUEL, INC  
VEILLEUX OIL AND SERVICE, INC.,  
PERRON FUEL, INC.  
And NICHOLAS CURRO, III,

Defendants

ORDER APPOINTING  
MONITOR

After hearing, it is ORDERED as follows:

Plaintiff, State of Maine ("State" or "plaintiff"), having filed its complaint for injunctive and other equitable relief in this matter, pursuant to the Maine Unfair Trade Practices Act, 5 M.R.S.A. §§ 207 and 209 ("MUTPA") and having moved for a Temporary Restraining Order with Asset Freeze and Other Equitable Relief ("TRO") pursuant to 5 M.R.S.A. § 209 and M.R. Civ.P. 65 and the court having considered the complaint, affidavits, exhibits and memorandum of law filed in support of the motion, finds that:

1. This Court has jurisdiction over the subject matter of this case and over the Defendants;
2. Venue is proper in this Court;

3. There is good cause to believe that Defendants have engaged in and are likely to engage in acts and practices that violate section 207 of MUTPA, and the statute governing price protection and prepaid fuel contracts, 10 M.R.S.A. § 1110, and the State is likely to

prevail on the merits of this action; *Defendants deny this allegation and this finding is without prejudice to Defendants upon full hearing on merits.*

4. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary redress will occur from the sale, transfer, assignment or other disposition or concealment by Defendants of assets unless Defendants are immediately restrained and enjoined by Order of this Court;

5. Weighing the equities and considering the Plaintiff's likelihood of success, this Order is in the public interest; and

6. No security is required of the State of Maine for the issuance of this Temporary Restraining Order.

#### **I. PROHIBITED BUSINESS PRACTICES PURSUANT TO THE MUTPA**

**IT IS THEREFORE ORDERED** that Defendants, and their officers, agents, directors, servants, employees, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, assigns, and those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service, facsimile or otherwise, whether acting directly or through any trust, corporation, subsidiary, division or other device, or any of them, are hereby temporarily restrained and enjoined from:

1. Violating or assisting others in violating 10 M.R.S.A. § 1110;
2. Unilaterally breaching contracts with consumers who prepaid for heating fuel; and

3. Accepting deposits from consumers for goods and services in advance of delivering the goods or performing the services.

## **II. APPOINTMENT OF MONITOR**

It is further ORDERED that, Mark Stickney of Portland, County of Cumberland, State of Maine is appointed as monitor of the real and personal property, both tangible and intangible, (collectively, "Property") owned by Price-Rite Fuel, Inc., Veilleux Oil and Service, Inc., Perron Fuel, Inc., and Nicholas Curro, III. Upon the taking and filing of an oath to faithfully perform his duties as monitor Mark Stickney shall review and approve or deny the payment of debts and the collection of outstanding receivables pending the resolution of this litigation. No bond or surety shall be required of him in this capacity.

1. The monitor may require the Defendants, and any persons acting on their behalf, to provide him with any and all information which the monitor needs to carry out the duties of the office.

2. The monitor shall prepare and file in the Court, within 60 days of his appointment hereunder, a preliminary inventory of all real and personal property of Defendants .

Additionally, the monitor shall file one or more supplemental inventories as appropriate when additional items appropriate for inclusion in an inventory become known to the monitor.

3. The monitor shall cooperate with any local, state or federal law enforcement or regulatory agency having jurisdiction over matters relating to the Defendants' businesses, and allow such agency to review, without exception, all reports of the Monitor and all books, records and files of the Monitor.

4. The Monitor shall prepare and serve monthly statements reflecting the monitor's fees and administrative expenses (billed at the standard billing rates for the Monitor and other personnel in his office). Upon service of each statement, the Defendants and the Plaintiff shall each pay 50-% of the amount billed.

5. Notwithstanding periodic payment of fees and expenses, all fees and expenses shall be submitted to the Court for its approval and confirmation, in the form of a properly noticed interim and/or final request for fees.

6. The monitor shall determine whether to accept and pay, in whole or in part, or reject, in whole or in part, any creditor's claims.

7. The monitor shall prepare a report of all approved sales of Defendants' assets including a description of the disposition of any sales proceeds.

8. Jurisdiction is retained by this Court in order to implement and carry out the terms of all orders and decrees that may be entered herein, or to resolve any disputes concerning the implementation of this Order, or to entertain any suitable application or motion by the parties for additional relief or modification of an order made herein within the jurisdiction of this Court.

### **III. DISTRIBUTION OF ORDER BY DEFENDANT**

**IT IS FURTHER ORDERED** that Defendants shall immediately provide a copy of this Order to each affiliate, partner, division, sales entity, successor, assign, officer, director, employee, independent contractor, agent, attorney, and representative of any Defendant. Within five (5) calendar days following service of this Order by Plaintiff, Defendants shall serve on Plaintiff an affidavit identifying the name, title, address,

telephone number, date of service, and manner of service of each person or entity

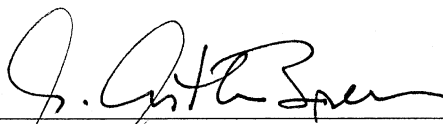
Defendants served with a copy of this Order in compliance with this provision.

#### IV. CREATION OF OTHER BUSINESSES

**IT IS FURTHER ORDERED** that all Defendants are hereby temporarily restrained and enjoined from creating, operating, or controlling any business entity, whether newly-formed or previously inactive, including any partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first providing the State with a written statement disclosing: (1) the name of the business entity; (2) the address and telephone number of the business entity; (3) the names of the business entity's officers, directors, principals, managers, and employees; and (4) a detailed description of the business entity's intended activities.

Pursuant to M.R. Civ.P. 79(a), the Court specifically directs the Clerk to incorporate this Order on the civil docket by reference.

Dated:

2/15/08. 

Justice, Maine Superior Court

2/15/08  
\* the court retains the right to consider  
and resolve any disputes concerning  
the implementation of this order.

A TRUE COPY ATTEST

  
CLERK